

September 21, 2010

CASES

No. 211
Bessemer Trust Company, N.A.,
Respondent,
v.
Francis S. Branin, Jr.,
Appellant.

Certification of a question by the United States Court of Appeals for the Second Circuit, pursuant to section 500.27 of this Court's Rules of Practice, accepted and the issues presented are to be considered after briefing and argument.
Chief Judge Lippman and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.

2 No. 208 SSM 42
The People &c.,
Respondent,
v.
Ronald Mack,
Appellant.

On review of submissions pursuant to section 500.11 of the Rules, order affirmed. Defendant has failed to establish that he was denied the effective assistance of appellate counsel (see People v Borrell, 12 NY3d 365, 369 [2009]).
Chief Judge Lippman and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.

MOTIONS

- 3 SSD 47
In the Matter of Carlos Abreu,
 Appellant,
 v.
Norman R. Bezio, as Director of
Special Housing and Inmate
Disciplinary Programs,
 Respondent.
- Appeal dismissed without costs, by the
Court sua sponte, as untimely (see
CPLR 5513[a]).
- 3 SSD 48
In the Matter of Carlos Abreu,
 Appellant,
 v.
Michael F. Hogan, &c., et al.,
 Respondents.
- Appeal dismissed without costs, by the
Court sua sponte, upon the ground that
the order appealed from does not
finally determine the proceeding
within the meaning of the
Constitution.
- 3 SSD 49
Carlos Abreu,
 Appellant,
 v.
Betsy Hutchings et al.,
 Respondents.
- Appeal dismissed without costs, by the
Court sua sponte, upon the ground that
the order appealed from does not
finally determine the action within
the meaning of the Constitution.
- 1 Mo. No. 2010-846
Maria Teresa Bacani, &c. et al.,
 Appellants,
 v.
Lisa Rosenberg, M.D., et al.,
 Defendants,
Deepak Nanda, M.D.,
 Respondent.
- Motion for leave to appeal denied with
one hundred dollars costs and
necessary reproduction disbursements.
- 4 Mo. No. 2010-817
In the Matter of Anita Barnes,
 Appellant,
 v.
Michael McKown,
 Respondent.
- Motion for leave to appeal denied.
Motion for poor person relief
dismissed as academic.

2 Mo. No. 2010-877
Miguel Beato,
Appellant,
v.
Cosmopolitan Associates, LLC,
Respondent,
et al.,
Defendants.

Motion for leave to appeal denied.

2 Mo. No. 2010-1094
The People &c.,
Respondent,
v.
Jamel Black,
Appellant.

Motion by New York Civil Liberties Union et al. for leave to appear amici curiae on the appeal herein granted only to the extent that the proposed brief is accepted as filed. Two copies of the brief must be served and 24 copies filed within seven days.

1 Mo. No. 2010-808
Kelly Anne Breen-Burns,
Appellant,
v.
Scarsdale Woods Homeowners'
Association Inc., et al.,
Respondents.

Motion for leave to appeal dismissed upon the ground that the order sought to be appealed from does not finally determine the action within the meaning of the Constitution (see Cuadrado v New York City Tr. Auth., lv dismissed 14 NY3d 748 [2010]).

2 Mo. No. 2010-875
Xiao Yang Chen,
Appellant,
v.
Ian Ira Fischer,
Respondent.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.

2 Mo. No. 2010-832
In the Matter of Debbie Ciccone,
Respondent,
v.
Thomas Ciccone,
Appellant.

Motion for leave to appeal denied. Motion for poor person relief dismissed as academic.

3 SSD 51
The People &c., ex rel. Eric Wade
Clark,
 Appellant,
 v.
James Walsh, as Superintendent of
Sullivan Correctional Facility,
 Respondent.

Appeal dismissed without costs, by the
Court sua sponte, upon the ground that
no substantial constitutional question
is directly involved.

1 Mo. No. 2010-755
Yacomo Coyago,
 Appellant,
 v.
Mapa Properties, Inc.,
 Respondent.

Motion for leave to appeal denied with
one hundred dollars costs and
necessary reproduction disbursements.

2 Mo. No. 2010-826
In the Matter of Isabella D.
(Anonymous), &c.

Mercyfirst, et al.,
 Respondents;
Harriet M. (Anonymous),
 Appellant.
(And Two Other Proceedings.)

Motion for leave to appeal denied.

4 SSD 44
The People &c. ex rel. Clifford
Graham,
 Appellant,
 v.
Kevin E. Walsh, &c.,
 Respondent.

Appeal dismissed without costs, by the
Court sua sponte, upon the ground that
no appeal lies from an order of an
individual justice of the Appellate
Division (see NY Const, art VI, §
3[b]; CPLR 5601).

4 Mo. No. 2010-803
John Gronski et al.,
 Appellants,
 v.
County of Monroe,
 Respondent.

Motion for leave to appeal granted.

SSD 52
In the Matter of George Harris,
Appellant,
v.
Andrea Evans, Chairwoman, New
York State Division of Parole,
Respondent.

Appeal transferred without costs, by the Court sua sponte, to the Appellate Division, First Department, upon the ground that a direct appeal does not lie when questions other than the constitutional validity of a statutory provision are involved (NY Const, art VI, §§ 3[b][2], 5[b]; CPLR 5601[b][2]).

2 Mo. No. 2010-788
Paul O. Hynard,
Appellant,
v.
Louis Giano, et al.,
Respondents.

Motion for leave to appeal dismissed upon the ground that it does not lie (see NY Const, art VI, § 3[b]; CPLR 5602).

2 SSD 45
Jacob Katz,
Respondent,
v.
Benedetto Marra,
Appellant.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that the order appealed from does not finally determine the action within the meaning of the Constitution.

4 SSD 46
In the Matter of Leon R. Koziol,
&c.,
Appellant,
v.
Martha Walsh-Hood, &c., et al.,
Respondents.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that no substantial constitutional question is directly involved.
Chief Judge Lippman took no part.

2 Mo. No. 2010-830
Henriette Louzoun, a/k/a Malka
Louzoun,
Appellant,
v.
Joseph Montalto,
Respondent.

Motion for leave to appeal dismissed as untimely (see CPLR 5513[b]).
Cross motion for the imposition of sanctions denied.

2 Mo. No. 2010-853
The People &c.,
 Respondent,
 v.
John Lynk,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2010-798
Michael Mancusi,
 Appellant,
 v.
Michael Setzen, et al.,
 Respondents.

Motion for leave to appeal denied with
one hundred dollars costs and
necessary reproduction disbursements.

2 Mo. No. 2010-867
In the Matter of Hector J.
Martinez,
 Appellant,
 v.
Maria C. Martinez,
 Respondent.

Motion for leave to appeal dismissed
upon the ground that the order sought
to be appealed from does not finally
determine the proceeding within the
meaning of the Constitution.
Motion for poor person relief
dismissed as academic.

1 Mo. No. 2010-781
The People &c.,
 Respondent,
 v.
Eduardo Medina,
 Appellant.

Motion for leave to appeal denied.
Motion for poor person relief
dismissed as academic.

1 Mo. No. 2010-816
New York Coalition for Quality
Assisted Living, Inc.,
 Appellant,
 v.
MFY Legal Services, Inc., et al.,
 Respondents.

Motion for leave to appeal granted.

2 Mo. No. 2010-889
Florence E. Newport, &c.,
 Appellant,
 v.
Rogosin Institute, et al.,
 Respondents.

Motion for leave to appeal dismissed upon the ground that the order sought to be appealed from does not finally determine the action within the meaning of the Constitution.

4 Mo. No. 2010-860
The People &c.,
 Respondent,
 v.
Patrick R. Nilsen,
 Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2010-780
166 Archer Ave. Co., LLC,
 Appellant,
 v.
New York City Health and
Hospitals Corporation,
 Respondent.

Motion for leave to appeal dismissed upon the ground that it does not lie from the Appellate Division order, appellant having previously moved in the Court of Appeals for leave to appeal (12 NY3d 848 [2009]) from the same Appellate Division order from which it currently seeks leave to appeal (see Stoye v Schaub, 93 NY2d 884 [1999]).

2 Mo. No. 2010-840
Ralph Oyague,
 Appellant,
 v.
Incorporated Village of Malverne,
et al.,
 Respondents.

On the Court's own motion, appeal dismissed, without costs, upon the ground that the order appealed from does not finally determine the action within the meaning of the Constitution.
Motion for leave to appeal dismissed upon the ground that the order sought to be appealed from does not finally determine the action within the meaning of the Constitution.

1 Mo. No. 2010-829
Jeevan P. Padiyar,
 Appellant,
 v.
Albert Einstein College of
Medicine of Yeshiva University,
et al.,
 Respondents.

Motion for leave to appeal denied with
one hundred dollars costs and
necessary reproduction disbursements.

1 SSD 43
The People &c. ex rel. John
Perez,
 Appellant,
 v.
M. Hourihane, &c.,
 Respondent.

Appeal dismissed without costs, by the
Court sua sponte, upon the ground that
no substantial constitutional question
is directly involved.

 Mo. No. 2010-864
The People &c. ex rel Justo
Richards,
 Appellant,
 v.
Bruce Yelich,
 Respondent.

On the Court's own motion, appeal
transferred, without costs, to the
Appellate Division, Third Department,
upon the ground that a direct appeal
does not lie when questions other than
the constitutional validity of a
statutory provision are involved (NY
Const, art VI, §§ 3[b][2], 5[b]; CPLR
5601[b][2]).
Motion for leave to appeal dismissed
upon the ground that this Court does
not have jurisdiction to entertain the
motion (see NY Const, art VI, § 3[b];
CPLR 5602).
Motion for poor person relief
dismissed as academic.

3 Mo. No. 2010-773
In the Matter of Connelly A.
Schneider,
 Appellant,
 v.
Renee Lascher,
 Respondent.
(And Another Related Proceeding.)

Motion for leave to appeal denied.

3 Mo. No. 2010-831
In the Matter of Solomon and
Solomon, P.C.,
 Appellant,
 v.
New York State Higher Education
Services Corporation,
 Respondent.

Motion for leave to appeal denied with
one hundred dollars costs and
necessary reproduction disbursements.

2 Mo. No. 2010-809
In the Matter of Michael T.M.
(Anonymous).

Motion for leave to appeal denied.

Administration for Children's
Services, et al.,
 Respondents;
Steven M. (Anonymous),
 Appellant,
et al.,
 Respondent.
(And Four Other Proceedings.)

2 SSD 50
In the Matter of Emanuel A.
Towns, Admitted as Emanuel
Alexander Towns, An Attorney and
Counselor-at-Law.

Appeal dismissed without costs, by the
Court sua sponte, upon the ground that
no substantial constitutional question
is directly involved.
Judge Jones took no part.

Grievance Committee for the Tenth
Judicial District,
 Respondent,
 v.
Emanuel A. Towns,
 Appellant.

3 Mo. No. 2010-973
In the Matter of Robert Wooley,
 Appellant,
 v.
New York State Department of
Correctional Services,
 Respondent.

Motion for reargument denied.

2 Mo. No. 2010-813
Wyckoff Heights Medical Center,
&c.,

 Plaintiff,
New York and Presbyterian
Hospital, &c.,

 Respondent,

 v.

Country-Wide Insurance Company,
Appellant.

Motion for leave to appeal granted.